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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,869	09/26/2001	Eugene Gorbato	PW 027 6902 P12450	1621

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EXAMINER

GREY, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,869

Applicant(s)

GORBATOV ET AL.

Examiner

Christopher P. Grey

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayne et al. (US 2004/0025047), hereinafter referred to as Mayne, in view of Averbuch et al. (US 5530693), hereinafter referred to as Averbuch.

Claim 1, 9, 17, 25 Mayne discloses a mobile wireless device (claim 9- elements 3-8 in fig 1 and page 2 paragraph 0023).

Mayne discloses Network address translation for translating the internal networks addressing scheme (private addresses) to share a single address (global address) as disclosed on page 5 paragraph 0096. Mayne also discloses network address translation means being coupled to a server, which is connected to a remote communications network (page 2 paragraph 0027).

Mayne discloses a number of access points (elements 2 in fig 1) coupled to a server (element 1 in fig 1) where the server comprises some means for performing network address translation. Mayne also discloses the mobile wireless devices (elements 3-8 in fig 1) wirelessly communicating with the access points (page 2 paragraph 0023).

Mayne discloses the temporarily storing the data received in memory (buffer) as disclosed on page 3 paragraph 0047 and 0049.

Mayne does not specifically disclose data for the mobile wireless device being broadcast to each access point, a group of access points of the plurality of access points forming a multicast group which dynamically updated to include access points available for interfacing with the mobile wireless device, communicating with at least 2 access points of the plurality of access points at a time and buffering in each access point of the plurality of access points adjacent to the at least 2 access points currently in communication.

Averbuch discloses data for the mobile device being broadcast to each access point (Col 4 lines 17-37).

Averbuch discloses a group of access points of the plurality of access points froming a multicast group which is dynamically updated to include access points available fro interfacing with the mobile wireless device (Col 4 lines 1-37, determine possible handoff base sites that are adjacent, where this group of sites is equivalent to a multicast group and the determination of these sites is equivalent to a dynamic update).

Averbuch discloses communicating with at least two access points of the plurality of access points at a time (Col 4 lines 17-37 and Col 3 lines 15-42, fig 1, 117,119,121).

Averbuch discloses buffering in each access point of the plurality of access point adjacent to the at least 2 access points currently in communication (Col 4 lines 17-37, stores data blocks, fig 1, 118,120,122)

It would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the duplicator as disclosed by Averbuch, within the server as disclosed by Mayne. The motivation for this combination is to better handle handoff from one access point or base station to another (see Averbuch abstract).

Claim 2, 10, 18, 26 Mayne discloses a server (element 1 in fig 1) for communicating with a number of access points (page 2 paragraph 0023 and 0028).

Claim 3, 11 Mayne discloses a server associated with a number of access points, where the server routes data to the intended destination (page 3 paragraph 0049). It would have been obvious to one of the ordinary skill in the art at the time of the invention that more than one routing means could be applied depending on system design and user preference.

Claim 4, 12, 19, 27 Mayne discloses the internal (private) addressing network scheme as disclosed in the rejection of claim 1 and 9, where it would have been obvious to one of the ordinary skill in the art at the time of the invention that the addressing scheme could have been that of IP, similar to the format of the IP address resulting from network address translation (page 5 paragraph 0096).

Claim 5, 13, 20, 22 Mayne discloses a single address (global address) being an IP address (page 5 paragraph 0096).

Claim 6, 14, 23, 28 Mayne discloses radio communications (page 1 paragraph 0004) and wireless LAN (page 2 paragraph 0026), where it would have been obvious to one of the ordinary skill in the art at the time of the invention that direct sequence spread spectrum is a spread spectrum technique often employed in these environments.

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Claim 7, 15, 24, 29 Mayne discloses the access points applying Bluetooth technology (page 2 paragraph 0023), which utilize frequency hopping spread spectrum (page 1 paragraph 0009).

Claim 8, 16, 21 Mayne discloses the remote communications network as disclosed in the rejection of claim 1 and 9, specifically being an internet (page 2 paragraph 0027).

Response to Arguments

2. Applicant's arguments with respect to the amendments of claims 1, 9, 17, 25 have been considered, however, the rejections of claims 1-29 now address all of the amended claims with the use of the newly cited reference.

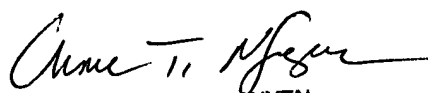
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Grey whose telephone number is (571)272-3160. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571)272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Grey
Examiner
Art Unit 2616


Oct 24, 2006


CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
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